

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

JUDGE KEENAN

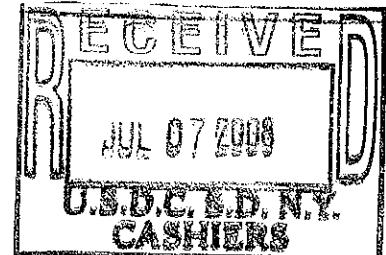
Plaintiffs

v.

GENERAL MOTORS CORPORATION, et al.

Defendants.

08 CV 6168  
Civil Action No.:



**NOTICE OF REMOVAL OF DEFENDANT  
GENERAL MOTORS CORPORATION**

Defendant General Motors Corporation ("General Motors") pursuant to 28 U.S.C. §1442(a)(1) and 1446 gives notice of removal of an action filed against it in the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. As grounds for removal General Motors states as follows:

1. On June 5, 2008, Plaintiffs served this action, Donald Wolf and Dorothy Wolf against General Motors Corporation and numerous other defendants, Index No.: 107498-08 in the Supreme Court of the State of New York, New York County. See Summons and Verified Complaint attached hereto as Exhibit A.
2. This case is based on plaintiffs' allegations that Donald Wolf's asbestos related disease was caused by his exposure to asbestos.
3. The Verified Complaint did not state Plaintiffs' case in a way in which it could be ascertained that it was removable.

4. Plaintiffs' counsel also sent to counsel for General Motors a document entitled Plaintiffs' Response to Defendants' Fourth Amended Interrogatories and Request for Production of Documents. A copy is attached as Exhibit B. That document is dated May 28, 2008.

5. Exhibit B identifies "General Motors 671s and 361 diesel engines" as alleged sources of asbestos exposure during the time Mr. Wolf served in the United States Navy. See Exhibit B at p. 20, Table A.

6. Exhibit B does not state Plaintiffs' case in a manner in which it could be ascertained that it is removable because it does not indicate that this alleged exposure was Mr. Wolf's only alleged exposure to General Motors asbestos containing products.

7. Mr. Wolf was deposed on June 23 and June 24, 2008, and did not testify that he was exposed to any General Motors asbestos containing products except for the General Motors diesel engines he testified he came in contact with while serving in the Navy, and this allowed the removable nature of this action to be ascertained.

8. To the extent that Plaintiffs' claim that Mr. Wolf was exposed to asbestos contained within General Motors engines in ships of the United States Navy, General Motors is entitled to invoke the "government contractor defense" in response. *See Boyle v. United Technologies Corp.*, 487 U.S. 500 (1988). General Motors intends to assert the government contractors defense to all of Plaintiffs' claims.

9. This is a civil action which may be removed pursuant to 28 U.S.C. §1442(a)(1) in that based on Mr. Wolf's testimony and Plaintiffs' answers to interrogatories, General Motors is entitled to rely on the federal officer removal statute because: (1) General Motors was acting under the direction of a federal officer in the course of the acts it allegedly performed; (2) General Motors has a federal defense to plaintiffs' claims; and (3) General Motors intends to

demonstrate that, if there is any causal nexus between Plaintiffs' claims and the acts it performed, the causal nexus is between Plaintiffs' claims and acts performed by General Motors under color of federal office.

10. This Notice of Removal is timely pursuant to 28 U.S.C. §1446(b), which provides that the notice removal shall be filed within thirty days after receipt of defendants, by service or otherwise, of a paper from which it may first be ascertained that the case is removable. First, it was filed within thirty days of General Motors ascertainment of the removable nature of this action at the deposition of Mr. Wolf. Additionally, it was within thirty days of initial service on General Motors. Thirty days from June 5, 2008 is July 5, 2008, a Saturday. When the final day for computing a period of time under a statute is a Saturday, the period runs until the first day that is not a Saturday, Sunday or legal holiday. F.R.C.P. 6.

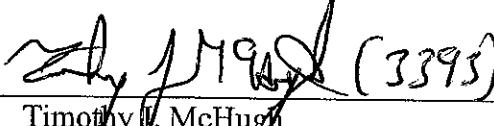
11. General Motors is not required to notify and obtain consent of any other defendant in this action in order to remove Plaintiffs' action as a whole under 28 U.S.C. §1442(a)(1).

12. A copy of all process and pleadings served on General Motors are attached hereto. No orders have been served to date. Those documents, other than Exhibits A and B, are attached as Exhibit C.

13. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served on all parties and filed with the Supreme Court of the State of New York, County of New York.

**WHEREFORE**, General Motors Corporation, pursuant to these statutes and in conformance with the requirements of 28 U.S.C. §1446, removes this action from the Supreme Court of the State of New York, County of New York, on this 7<sup>th</sup> day of July, 2008.

By:

  
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*Attorney for Defendant,*  
**General Motors Corporation**

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK )  
                        )  
COUNTY OF NEW YORK ) ss.:  
                        )

JOANNE PETERS, being duly sworn, deposes and says:

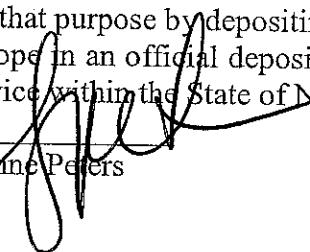
Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within CIVIL COVER SHEET upon:

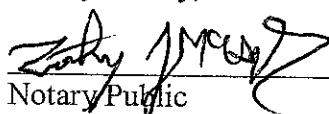
Weitz & Luxenberg  
Attorneys for Plaintiffs  
180 Maiden Lane  
New York, New York 10038

All Defense Counsel – See Attached Rider

at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Joanne Peters

Sworn to before me this  
7<sup>th</sup> day of July, 2008

  
\_\_\_\_\_  
Notary Public

TIMOTHY J. McHUGH  
Notary Public, State of New York  
No. 02MC506248  
Qualified in Suffolk County  
Commission Expires July 1, 1992

  
\_\_\_\_\_  
Date

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK )  
                         ) ss.:  
COUNTY OF NEW YORK )

JOANNE PETERS, being duly sworn, deposes and says:

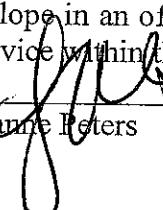
Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within RULE 7.1 STATEMENT upon:

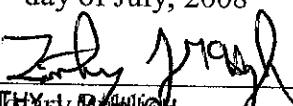
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at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Joanne Peters

Sworn to before me this  
7<sup>th</sup> day of July, 2008

  
TIMOTHY MURPHY  
Notary Public, State of New York  
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Qualified in Suffolk County  
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                        )  
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JOANNE PETERS, being duly sworn, deposes and says:

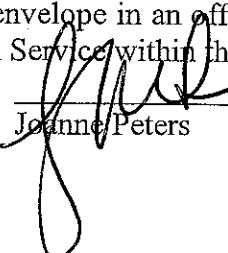
Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

On July 7, 2008 deponent served the within NOTICE OF REMOVAL upon:

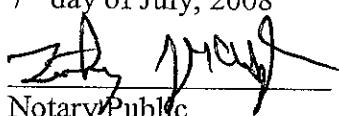
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All Defense Counsel – See Attached Rider

at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Joanne Peters

Sworn to before me this  
7<sup>th</sup> day of July, 2008

  
Notary Public

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 McDermott, Will & Emery  
 340 Madison Avenue  
 New York, New York 10173  
 PH: (212) 547-5400

**Reynolds Metals Co. as successor to Atlantic Asbestos Corp.**

Hutton & Williams  
 Lori Elliot Guzman, Esq.  
 Riverfront Plaza East Tower  
 951 East Byrd Street

**Eastern Refractories Co., Inc.**

McMahon, Martine & Gallagher  
 Heidi Change, Esq.  
 Nicole Price Wesselmann, Esq.  
 90 Broad Street  
 New York, New York 10004

Richmond, VA 23219  
 PH: 804-788-8362  
 FAX: 804-788-8218

**Sequoia Ventures, Inc. f/k/a Bechtel Corp.**  
 Landman Corsi Ballaine & Ford, P.C.  
 120 Broadway, 27<sup>th</sup> Floor  
 New York, New York 10271-0079  
 PH: 212-238-4800

**Tishman Liquidating Corp.**  
 Fabiani & Cohen, LLP  
 John V. Fabiani, Jr.  
 570 Lexington Avenue, 4<sup>th</sup> Floor  
 New York, New York 10022  
 PH: 212-644-4420  
 FAX: 212-752-8053

**United Conveyor Corp.**  
 Garrity, Graham, Favetta & Flynn  
 Anthony J. Marino, Esq.  
 One Lackawanna Plaza  
 Montclair, New Jersey 07042-8205  
 PH: 973-509-7500  
 FAX: 973-509-0414

**Clayton Industries**  
 Schepp Yuhas Doman & Harris  
 Maryann Bucek-Kenny  
 Nancy McDonald, Esq./John Orth, Esq.  
 1 Battery Park Plaza, Ste 3010  
 New York, New York 10004-1437  
 PH: 212-869-8620  
 FAX: 212-869-0225

**Alcoa**  
 Le Boeuf, Lamb, Greene & Mac Ray, LLP  
 Philip J. Morin, III, Esq.  
 One Riverfront Plaza  
 Newark, New Jersey 07102  
 PH: 973-643-8000  
 FAX: 973-643-6111

**BAY CRANE SERVICE INC**  
 Harris Birnbaum, Esq.  
 2 Birchwood Court  
 Mineola, New York 11501  
 PH: 516-248-2750

**CLARK EQUIPMENT COMPANY**  
 Lomell, Muccifori, Adler, Ravaschiere, Amabile &  
 Pehlivanian  
 John S. Pehlivanian, Esq.  
 250 Washington Street  
 P.O. Box 787  
 Toms River, New Jersey 08754  
 PH: 732-349-2443  
 FAX: 732-528-4445

**LINK-BELT CONSTRUCTION EQUIPMENT COMPANY**  
 Clauss & Sabatini  
 Ava Maynard, Esq.  
 237 West 35<sup>th</sup> Street, Suite 1502  
 New York, New York 10001  
 PH: 212-239-5900  
 FAX: 212-279-1265

**Occidental Chemical Corporation**  
 Phillips, Lytle, Hitchcock, Blaine & Huber LLP  
 Robert E. Glanville, Esq.  
 3400 HSBC Center  
 Buffalo, New York 14203  
 PH: 716-847-8400  
 FAX: 716-852-6100

**Maremont Corporation and Heidelberg, USA, Inc.**  
 Kasowitz, Benson, Torres & Friedman LLP  
 Marc E. Kasowitz  
 1633 Broadway  
 New York, New York 10019  
 PH: 212-506-1700

**IMO Industries, E.I. Dupont De Nemours & Co. and**  
 Leader & Berkon  
 630 Third Avenue, 17<sup>th</sup> Floor  
 New York, New York 10017  
 PH: 212-486-2400  
 FAX: 212-486-3099

**ABB Lummus Crest, Inc.**  
 Picillo Caruso O'Toole  
 60 Route 46 East  
 Fairfield, NJ 07004  
 PH: 973-667-6000  
 FAX: 973-667-1200

**Insulation Distributors, Inc.**  
 Damon & Morey, LLP  
 1000 Cathedral Place  
 298 Main Street  
 Buffalo, New York 14202-4096  
 PH: 716-856-5500  
 FAX: 716-856-5510

**The Goodrich Company**  
 Patrick J. Dwyer, Esq.  
 Smith, Stratton, Wise, Heher & Brennan, LLP  
 2 Research Way  
 Princeton, New Jersey 08540  
 PH: 609-924-6000  
 FAX: 609-987-6651

**Buffalo Pumps, Inc.**  
 Edward J. Wilbraham, Esq.

Wilbraham Lawler & Buba  
1818 Market Street, Suite 3100  
Philadelphia, PA 19103

300 State Street  
Rochester, NY 14614

**Great Lakes Dredge & Dock Co.**  
Freehill, Hogan & Maher, LLP  
80 Pine Street  
New York, NY 10005  
212-425-1900

**Mitsubishi Heavy Industries America, Inc.,**  
**Mitsubishi International Corporation, MLP U.S.A., Inc.**  
**a/k/a Mitsubishi Lithographic Pressm, Viad Corp.**

John F. Parker, Esq.  
Jeffrey R. Escobar, Esq.  
Mound Cotton Wollan & Greengrass  
One Battery Park Plaza  
New York, NY 10004

**Hamilton Engine Sales, Inc., Goss International Americas, Inc. and Goss International, Inc.**  
Courtney C. Dippel, Esq.  
Holland & Knight  
2300 U.S. Bancorp. Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204  
503-243-2300

**Oxy-Dry Corporation**  
Laura A. Siclari, Esq.  
Hoagland, Longo, Moran, Dunst & Coukas  
40 Paterson Street  
PO Box 480  
New Brunswick, NJ 08903

**Harris Corporation**  
O'Hare Parnagian LLP  
82 Wall Street, Suite 300  
New York, NY 10005-3686

**Varn International, Inc.**  
Margaret L. Mockbee, Esq.  
Lewis, Brisbois, Bisgaard, & Smith LLP  
199 Water Street, Suite 2500  
New York, NY 10038

**Metropolitan Life Insurance Company**  
Shehzad Hasan, Esq.  
Steptoe & Johnson  
750 Seventh Avenue, 19<sup>th</sup> Floor  
New York, NY 10019  
212-506-3900  
and  
Thompson Hine LLP  
335 Madison Avenue  
12<sup>th</sup> Floor  
New York, NY 10017-4611

**Shinohara, USA, Inc.**  
Robert A. Calinoff, Esq.  
Calinoff & Katz, LLP  
140 E. 45<sup>th</sup> Street  
17<sup>th</sup> Floor  
New York, NY 10017

**The Sager Corporation**  
Rob C. Tonogbanua, Esq.  
Dickie, McCamey & Chilcote, PC  
Public Ledger Building, Suite 901  
150 South Independence Mall West  
Philadelphia, PA 19106-3409  
215-925-2289  
215-925-0307 (fax)

**BMCE, Inc. f/k/a Untied Centrifugal Pump**  
Art Bromberg, Esq.  
L'Abbate, Balkan, Colavita & Contini  
7 Regent Street, Suite 711  
Livingston, NJ 07039

**Empire Ace Insulation Mfg. Corp.**  
Steve Kevelson, Esq.  
One Cozine Avenue  
Brooklyn, NY 11207

**Beazer East, Inc. s/h/a Koppers Industries, and Koppers Industries**  
Daniel J. McNamara, Esq.  
DeCicco, Gibbons & McNamara, P.C.  
14 East 38<sup>th</sup>  
New York, NY 10016

**Eastman Kodak Company**  
Meghan M. DiPasquale, Esq.  
Daniel P. Purcell, Esq.  
Ward Norris Heller & Reidy LLP

**Central Hudson Gas & Electric Corporation**  
Ruthe A. Nepf, Esq.  
Thompson Hine LLP  
One Chase Manhattan Plaza, 58<sup>th</sup> Floor  
New York, NY 10005

**D.B. Riley, Inc. and Elliott Turbomachiner Co., Inc.**  
John J. Kot, Esq.  
Waters, McPherson & McNeil  
300 Lighting Way, 7<sup>th</sup> Floor

Secaucus, NJ 07096

**Mansfield Plumbing Products, LLC**

Mintzer Sarowitz Zeris Ledva Meyers  
39 Broadway, Suite 950  
New York, NY 10006

**Adience, Inc., BMI and Premier Refractories, Inc.**

Marks, O'Neill, O'Brien & Courtney, P.C.  
530 Saw Mill River Road  
Elmsford, NY 10523  
914-345-3701

**Borden Chemical, Inc., Borden, Inc. and Hexion**

**Specialty Chemicals, Inc.**

DelBello Donnellan Weingarten Wise & Wiederkehr  
One North Lexington Avenue  
White Plains, NY 10601

**Kone Inc., s/h/a Armour Kone Elevator Co., Inc.**

**Flynn Hill Elevator Corporation and**  
**Montgomery Kone Inc.**  
Morison Ansa Holden Assuncao & Prough, LLP  
50 Main Street, Suite 1000  
White Plains, NY 10606

**Unknown**

William L. Crow Construction Company

**EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

X Index No.: 107498-08

Date Filed: 5/29/08

Plaintiff(s),

Plaintiff Designates  
**NEW YORK**  
County as the Place of Trial

-against-

A.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,  
Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,  
Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,  
CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,  
H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT CORPORATION,  
J.H. FRANCE REFRactories COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,  
LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,

**NEW YORK  
COUNTY CLERK'S OFFICE**

**MAY 29 2008**

**NOT COMPARED  
WITH COPY FILE**

RAPID-AMERICAN CORPORATION,  
REYNOLDS METALS COMPANY,  
Individually and as successor in interest to ATLANTIC  
ASBESTOS CORP.,  
THE FAIRBANKS COMPANY,  
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
U.S. RUBBER COMPANY (UNIROYAL),  
WARREN PUMPS, INC.,  
WEIL-MCLAIN,  
a division of THE MARLEY COMPANY,

Defendants.

-----X

To the above named Defendant(s)

You are hereby summoned to answer the verified complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, May 29, 2008  
New York, New York

Defendant's address:

**SEE ATTACHED DEFENDANTS RIDER**

WEITZ & LUXENBERG, P.C.  
Attorney(s) for Plaintiff  
Post Office Address  
180 Maiden Lane  
New York, New York 10038  
(212) 558-5500

**DEFENDANTS' RIDER**

**A.O. SMITH WATER PRODUCTS CO.**

11270 West Park Place  
Milwaukee, WI 11270

**A.W. CHESTERTON COMPANY**

Joseph E. Riley  
225 Fallon Road  
Stoneham, MA 02180

**ANCHOR PACKING COMPANY**

CT Corporation System  
100 Pine Street,  
Suite 325  
Harrisburg, PA 17101

**AQUA-CHEM, INC.**

7800 North 113th Street  
Milwaukee, WI 53224

**BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP**

Weiner Lesniak LLP  
Anna M. DiLonardo  
888 Veterans Memorial Highway  
Hauppauge, NY 11788

**BUFFALO PUMPS, INC.**

874 OLIVER STREET  
N. TONAWANDA, NY 14120

**BURNHAM, LLC,**

**Individually, and as successor to  
BURNHAM CORPORATION**  
1239 Harrisburg Pike  
Lancaster, PA 17603

---

**BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS**

200 South Michigan Avenue  
Chicago, IL 60604

**CARRIER CORPORATION,**

**Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS**  
CT Corporation System  
111 8th Avenue  
New York, NY 10011

**CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Asbestos Litigation Support Manager  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
Case Management & Technology Center  
USX Towers  
600 Grant Street  
Pittsburgh, PA 15219

**CERTAIN TEED CORPORATION**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**CLEAVER BROOKS COMPANY, INC.**

11950 West Park Place  
Milwaukee, WI 11270

**CRANE CO.**

100 First Stamford Place  
Stamford, CT 06902

**CRANE PUMPS**

CT Corporation System  
1300 East Ninth Street  
Cleveland, OH 44114

**EMPIRE-ACE INSULATION MFG. CORP.**

c/o THE SECRETARY OF STATE  
41 State Street  
Albany, NY 12207

**GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**GENERAL MOTORS CORPORATION**

CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**GOULDS PUMPS, INC.**

240 Fall Street  
Seneca Falls, NY 13148

**H.B. FULLER COMPANY**

Charles Becker, Esq.  
Meagher & Geer  
4200 Multifoods Tower  
33 South Sixth Street  
33 South Sixth Street  
Minneapolis, MN 55402-3788

**IMO INDUSTRIES, INC.**

997 Lenox Drive  
Suite 111  
Lawrenceville, NJ 08648

**INGERSOLL-RAND COMPANY**

CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**ITT CORPORATION**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**J.H. FRANCE REFRactories COMPANY**

SPECIAL CLAIMS SERVICES, INC.  
809 Coshocton Avenue  
Suite 1  
Mount Vernon, OH 43050-1931

**KEELER-DORR-OLIVER BOILER COMPANY**

Wayne A. Marvel, Esq.  
Maron & Marvel  
1300 North Broom Street  
Wilmington, DE 19806-4206

**KOHLER CO.**

HOAGLAND, LONGO, MORAN, DUNST, &  
DOUKAS, LLP

Marc S. Gaffrey, Esq.  
40 Patterson Street  
New Brunswick, NJ 08903

**LESLIE CONTROLS, INC.**

12501 Telecom Drive  
Tampa, FL 33637

**OAKFABCO, INC.**

705 McKnight Park Drive  
Pittsburgh, PA

**OWENS-ILLINOIS, INC.**

One Michael Owens Way  
Perrysburg, OH 43551

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

**PEERLESS INDUSTRIES, INC.**

Carol Martindell  
McGivney & Kluger, P.C.  
23 Vreeland Road, Suite 220

Florham Park, NJ 07932

**PREMIER REFRACTORIES, INC.,**

**f/k/a ADIENCE, INC., f/k/a BMI**  
Special Claims Services, Inc.  
809 Coshocton Avenue, Suite 1  
Attention: Donald E. Ward, President  
Mount Vernon, OH 43050

**RAPID-AMERICAN CORPORATION**

2711 Centerville Road  
Wilmington, DE 19808

**REYNOLDS METALS COMPANY,**

**Individually and as successor in interest to ATLANTIC ASBESTOS CORP.**  
Lori Elliott Guzman, Esq.  
HUNTON & WILLIAMS  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219

**THE FAIRBANKS COMPANY**

CT Corporation System (GA)  
1201 Peachtree Street NE  
Atlanta , GA 30361

**TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.**

Michele Corcoran, New Filings Manager  
c/o PACE  
1009 Lenox Drive, Bldg 4 Suite 101  
Lawrenceville, NJ 08648

**U.S. RUBBER COMPANY (UNIROYAL)**

c/o Frank Degrim, Esq.  
GREENFIELD, STEIN & SENOIR  
600 Third Avenue, 11th Floor  
New York, NY 10016-1903

**WARREN PUMPS, INC.**

82 Bridges Avenue  
Warren, MA 01083

**WEIL-MCLAIN,**

**a division of THE MARLEY COMPANY**  
500 Blaine Street  
Michigan City, IN 46360

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Index No.:

Date Filed:

Plaintiff(s),

-against-

**VERIFIED  
COMPLAINT**

A.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,  
Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,  
Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,  
CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,  
H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT CORPORATION,  
J.H. FRANCE REFRactories COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,  
LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,  
RAPID-AMERICAN CORPORATION,

REYNOLDS METALS COMPANY,  
 Individually and as successor in interest to ATLANTIC  
 ASBESTOS CORP.,  
 THE FAIRBANKS COMPANY,  
 TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
 U.S. RUBBER COMPANY (UNIROYAL),  
 WARREN PUMPS, INC.,  
 WEIL-MCLAIN,  
 a division of THE MARLEY COMPANY,

Defendants.

----- X -----

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys, WEITZ & LUXENBERG, P.C., for their **verified complaint** respectfully alleges:
2. Defendant AQUA-CHEM, INC., was and still is a duly organized domestic corporation doing business in the State of New York.
3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.
4. Defendant BUFFALO PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.
5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.
6. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

8. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

9. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

10. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

12. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

14. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

15. Defendant ITT CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

16. Defendant LESLIE CONTROLS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

17. Defendant LESLIE CONTROLS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

18. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

19. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

20. Defendant WARREN PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

21. Defendant WARREN PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL - WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

Dated: *May 29, 2008*  
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C.

Attorneys for Plaintiff(s)  
180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

STATE OF NEW YORK )  
COUNTY OF NEW YORK )  
SS:

The undersigned, an attorney admitted to practice in the Courts of New York State,  
shows:

Deponent is an Associate of the firm WEITZ & LUXENBERG, P.C., Counsel for the  
plaintiff(s) in the within action; deponent has read the foregoing **summons and verified**  
**complaint** and knows the contents thereof; the same is true to deponent's own knowledge, except  
as to the matters therein stated to be alleged on information and belief, and that as to those  
matters deponent believes it to be true. This verification is made by deponent and not by  
plaintiff(s) because plaintiff(s) resides outside of the County of New York where plaintiffs'  
counsel and deponent maintain their office.

Dated: May 28, 2008  
New York, New York



CHRIS ROMANELLI

Index No.: 107498-08

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

against-

A.O. SMITH WATER PRODUCTS CO., et. al.,

Defendants.

**SUMMONS and COMPLAINT**

**WEITZ & LUXENBERG, P.C.**  
Attorneys for PLAINTIFFS  
180 Maiden Lane  
New York, NY 10038  
212-558-5500

To  
Attorney(s) for

Service of a copy of the within  
is hereby admitted.  
Dated, May 29, 2008

Attorney(s) for

**EXHIBIT B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----x  
DONALD WOLF and DOROTHY WOLF

Index No. 107498-08

Plaintiffs;

-against-

A.O. SMITH WATER PRODUCTS, et al.,

PLAINTIFFS' RESPONSE TO  
DEFENDANTS' FOURTH  
AMENDED INTERROGATORIES  
AND REQUEST FOR  
PRODUCTION OF DOCUMENTS

Defendants.

-----x  
Plaintiffs, by and through their attorneys, in response to the Fourth Amended Standard Set of Interrogatories and Request for Production of Documents propounded by the defendants, pursuant to C.P.L.R. ARTICLE 31 and the Order of the Honorable Helen Freedman, allege as follows:

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBURG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

INTERROGATORIES

1. State the following:
- your full name, and all other names by which you have been known;
  - age, and date and place of birth;
  - whether you were an adopted child;
  - present marital status, date of current marriage, spouse's maiden name, dates of any prior marriages and the names of any prior spouses, if applicable;
  - present home address; and
  - social security number.

ANSWER:

- Name: Donald Wolf, a/k/a "Red" or "Big Red".
- Age: 83 years old.  
Date of birth: Jan. 17, 1925.  
Place of birth: Queens, New York.
- Adopted/natural child: Natural child.
- Present marital status: Married, Dorothy Kugler, 1/26/47.
- Present home address: 85 Areland Ave, Bangor, PA
- Social Security Number: 077-18-9499.

2. State the following with regard to your father and mother:

- names;
- current address (if deceased, state last known address);
- the current condition of each one's health, including any specific medical problems.  
If either of your parents are deceased, please state for each deceased parent:
  - specific physical problems;
  - date and place of death;
  - age and cause of death for each parent.

ANSWER:

## Mother:

- Name: Elsie Wolf.
- Current address: Deceased; Queens, New York
- Current health condition/specific physical problems: Deceased
  - Specific physical problems: None.
  - Date of Death: Approx. 1949; Place of Death: Queens, NY.
  - Age at Death: 58 years old.  
Cause of Death: Natural causes.

## Father:

- Name: Charles Wolf.
- Current address: Deceased; Pittsfield MA.
- Current health condition/specific physical problems: Deceased
  - Specific physical problems: None.
  - Date of Death: 1980s; Place of Death: Pittsfield, MA.

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(iii) Age at Death: 74 years old.  
Cause of Death: Natural causes.

3. State the following with regard to each of your children:
  - (a) full name;
  - (b) the date of birth;
  - (c) sex;
  - (d) current address (if deceased, state the last known address);
  - (e) social security number;
  - (f) whether birth child or adopted child;
  - (g) current state of each one's health. If any of your children are deceased, state for each deceased child:
    - i. specific physical problems;
    - ii. date and place of death; and
    - iii. age and cause of death for each child.

**ANSWER:**

- i. (a) Full name: **Donelle Denry.**  
 (b) Date of birth: **1954.**  
 (c) Sex: **Female.**  
 (d) Current address: **Bethel, PA.**  
 (e) Social Security Number: **To be provided.**  
 (f) Adopted/Natural: **Natural.**  
 (g) Current state of one's health: **Good health.**

4. State the complete address of all places you have resided since birth giving the inclusive dates of residence for each place named and as to each state:
  - (a) fuel used for heating and cooking;
  - (b) significant home improvements (e.g., additions, re-insulation, re-wiring, etc.);
  - (c) number of family units co-occupying said structure.

**ANSWER:** Plaintiff has lived in the following residences:

- i. Address: See 1(e).  
 Dates: Approximately 1999-present.  
 (a) Fuel used for heating/cooking: Oil heating and elec. cooking.  
 (b) Significant home improvements: None recalled.  
 (c) Number of family units: Single family home.
- ii. Address: **75 C Mamalahoa Hy**  
**Holualoa, HI 96725**  
 Dates: Approximately 1989-1999.

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(a) Fuel used for heating/cooking: Gas heating and elec. cooking.

(b) Significant home improvements: None recalled.

(c) Number of family units: Single family home.

iii. Address:

228 Rd. E. Nassau

Dates:

Approximately 1958-1989.

(a) Fuel used for heating/cooking: oil heating and elec. cooking.

(b) Significant home improvements: None recalled.

(c) Number of family units: Single family home.

iv. Address:

117-06 89<sup>th</sup> Ave. Richmond Hill NY.

Dates: Approximately 1947-1958.

(a) Fuel used for heating/cooking: oil heating and elec. cooking.

(b) Significant home improvements: None recalled.

(c) Number of family units: Single family home.

v. Address:

120-05 87<sup>th</sup> Avenue, Richmond Hill, NY.

Dates: Approximately Childhood-1947.

(a) Fuel used for heating/cooking: oil heating and elec. cooking.

(b) Significant home improvements: None recalled.

(c) Number of family units: Single family home.

5. For every physician or other health care provider whoever tested, treated, consulted with or examined you up to and including the present date, for any reason whatsoever, please state the following separately as to each:

- (a) name and address of physician or health care provider and, if ongoing, the approximate frequency of said treatment and services; (b) date(s) of test, examination and/or treatment; (c) symptoms complained of at the time, if any;
- (d) any diagnosis made;
- (e) treatment or examination given and reason for treatment or examination; and (f) any drugs or medications prescribed.

**ANSWER:** At the present time, Plaintiff is aware of the following doctors and treatment rendered:

**Physicians:**

- i. (a) Name: Dr. Lasso, primary care physician.  
Mt. Bethel Plaza, PA  
(b-f) See medical records. Authorization will be provided to RecordTrak.
- ii. (a) Name: Dr. Volk, oncologist

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(b-f) See medical records. Authorization will be provided to RecordTrak.

- iii. (a) Name: Dr.Burfeind, surgeon.  
St. Lukes Hosp., E. Stroudsburg, PA  
(b-f) See medical records. Authorization will be provided to RecordTrak.
- iv. (a) Name: Dr. Fedani, pulmonologist.  
447 Plaza E. Stroudsburg, PA.  
(b-f) See medical records. Authorization will be provided to RecordTrak.

6. For every hospital, clinic or health care institution in which you have ever been admitted, treated, tested, or examined, whether as an "in-patient" or as an "out- patient," please state the following for each such visit:

- (a) name and address of the facility;
- (b) dates and description of test, treatment, examination or hospitalization and, if ongoing, the approximate frequency of said treatment and services; and
- (c) reason for visit to the facility.

**ANSWER:** At the present time, Plaintiff is aware of the following institutions and treatment rendered (although it is possible that Plaintiff may have been treated or examined in other institutions):

**Hospitals/ Facilities:**

- i. (a) Hospital: St. Lukes Hosp., E. Stroudsburg, PA  
(b) Date: 2007/2008.  
Description of test, treatment, examination: Surgery; biopsy performed;  
Films taken; All were in connection with plaintiff's mesothelioma. For further details see medical records; Authorization will be provided to RecordTrak  
(c) Reason for visit: See (b) above.

7. State each of your asbestos-related injuries and/or diseases, describe the nature of those symptoms that you contend are related to your asbestos-related condition(s), and state the date when you first experienced each such symptom and the date of diagnosis and the name of any diagnosing physician and, if different, indicate the date you first became aware of the diagnosis.

**ANSWER:** Plaintiff has sustained a number of asbestos-related injuries, including:

- Mesothelioma;
- Respiratory discomfort;
- Shortness of breath;
- Fatigue and weakness;
- Emotional and psychological distress;
- Depression;
- Anxiety;

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- **Loss of interest and ability to partake in daily and recreational activities;**
- **Loss of intimacy.**

8. Describe any pain, incapacity, inability to lead a normal life, inability to work, or disability (including retirement) alleged to have resulted from your medical conditions), including the date and basis therefor.

**ANSWER:** Beginning in approximately August 2007 Plaintiff began to experience shortness of breath and fatigue. Since that time Plaintiff's symptoms include increasing shortness of breath, increasing fatigue and weakness, respiratory discomfort, loss of interest and ability to partake in daily and recreational activities, depression, anxiety, and emotional and psychological distress.

9. Have you ever had any biopsies or tissue samples taken? If so, please state for each such procedure:

- (a) the name of the physician performing such procedure;
- (b) the address where such procedure was performed;
- (c) the date when such procedure was performed; and
- (d) the results, conclusions, and/or diagnosis arising from such procedure.

**ANSWER:** See response to Interrogatory No. 7.

10. Have you ever had any chest x-rays, CT Scans and/or pulmonary function tests? If so, state:

- (a) the dates and places;
- (b) the reasons;
- (c) the results and/or diagnosis resulting therefrom;
- (d) the location of all chest X-ray films and CT Scans; and
- (e) provide appropriate authorization to obtain all X-rays, CT Scans and pulmonary function tests.

**ANSWER:** See response to Interrogatory No. 7.

11. Have you ever been exposed to, used, inhaled or ingested any of the following substances on a regular basis or at work. If so, state the date(s), place(s), and circumstances thereof.

- (a) acids
- (b) aluminum
- (c) arsenic
- (d) barium
- (e) beryllium
- (f) butanol
- (g) cadmium
- (h) carborundum
- (i) chloroethylene
- (j) chlorine
- (k) chromate
- (l) chromite

- (m) chromium
- (n) coal dust (coal)
- (o) coal tar
- (p) cotton dust
- (q) epoxy
- (r) ethanol
- (s) grinding dust
- (t) iron
- (u) isocyanates
- (v) isopropanol
- (w) lead
- (x) live chickens
- (y) manganese
- (z) nickel
- (aa) nitrogen dioxide
- (ab) nuclear radiation
- (ac) ozone
- (ad) petroleum distillates
- (ae) phosgene
- (af) radiation
- (ag) silica
- (ah) titanium
- (ai) toluene
- (aj) welding smoke or fumes
- (ak) zylene
- (al) zinc.

**ANSWER:** Plaintiff is unaware of any exposure to these substances on a regular basis.

12. Do you use or have you ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, from birth to the present time? If so, state the following:

- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco);
- (b) the dates during which you used each such product;
- (c) the amount of the product used per day, during each period of time (e.g., 2 packs of cigarettes per day);
- (d) whether you have ever been told by a physician that you are or were suffering from any disease or illness caused by or contributed to by tobacco; and
- (e) whether you were ever advised by any physician or any other person that use of tobacco products could adversely affect your health and whether you were ever advised to stop using tobacco products, and if so, identify each physician or person who gave you any such advice, the dates on which the advice was given, and state exactly what, if anything, you did in response to that advice.

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**ANSWER:** Plaintiff smoked Pall Mall cigarettes from approximately 1940 until 1973. He smoked up to 2 packages per day at the time he quit.

13. For each spouse and member of your household, from your birth to the present time, state whether they use or have ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, and if so, state the following:
- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco); and
  - (b) the dates during which they used each such product

**ANSWER:** Plaintiff's family members smoked periodically during his life.

14. Do you presently consume or have you in the past consumed alcoholic beverages. If so, state the following:
- (a) the type of alcoholic beverages consumed;
  - (b) the dates during which you consumed each such alcoholic beverage;
  - (c) the amount of such beverage you consumed each day; and
  - (d) whether you have ever been treated for any illness or disease related to your consumption of alcoholic beverages.

**ANSWER:** Plaintiff consumes and has consumed an occasional alcoholic beverages on social occasions. He has never been advised to stop

15. Have you ever been a member of the Armed Forces of the United States? If so, state the following:
- (a) the branch of the service, serial number, and highest rank held;
  - (b) the beginning and ending dates of your military service;
  - (c) the type of discharge that you received; and
  - (d) whether you sustained any injuries or incurred any illness during military service.
  - (e) if you received a medical discharge, attach a copy hereto and set forth the medical reasons.

**ANSWER:**

- (a) Branch: United States Navy; 777-85.
- (b) Years: From 1943-1946.
- (c) Discharge: Honorable. Authorization will be provided to RecordTrak.
- (d) Injury/Illness: Authorization will be provided to RecordTrak.
- (e) Medical Discharge: No.

16. As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following:

Include on the Chart all employers where you have worked, and all job sites, regardless of whether or not you believe you were exposed to asbestos during the employment. Also, include the source of any product identification information provided on Chart A.

**ANSWER:** See attached Chart A; Defendants are also directed to Plaintiff's Social Security Earnings Information, authorization for which has been provided to RecordTrak.

17. Please state the following with respect to each Asbestos-Containing Product identified on Chart A:

- (a) the color, dimensions, shape, form, texture, weight, appearance and flexibility of each product;
- (b) the appearance of the package or container indicating the manner of packaging, size, dimensions, color and weight; and
- (c) the name, logo, label, numerical and alphabetical markings and other markings or words including warnings on the product and package or container.

**ANSWER:** (a-c) Plaintiff was exposed to a variety of different asbestos-containing products during his course of employment and Navy service as indicated on the attached Work History Sheet (Chart "A").

18. If you have retired from your employment, set forth the following:

- (a) whether said retirement was voluntary or involuntary;
- (b) the effective date of said retirement;
- (c) the name of your employer at the time of retirement;
- (d) the reason for your retirement;
- (e) whether your retirement was related to any claimed asbestos-related injury; and
- (f) the amount of pension and/or retirement benefits you are receiving or entitled to receive.

**ANSWER:**

- (a) Retired: Voluntary.
- (b) Date: 1985.
- (c) Employer: General Electric Co.
- (d) Reason: Wanted to retire.
- (e) Asbestos related: No.
- (f) Pension/Retirement benefits: To be provided, if relevant.

19. State whether you were exposed (either directly, through a co-worker or otherwise), to any Bankrupt Entity's Asbestos-Containing Materials, or products either mined or manufactured, sold, or distributed by a Bankrupt Entity. If so, state the following:

(a) As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following, concerning Bankrupt Entities' products only:

- i. Name of employer;
- ii. Dates of employment;
- iii. Asbestos-related jobsite and address where Bankrupt Entity's products were being used;
- iv. Dates you were at the jobsite;
- v. Job duties at the particular jobsite;
- vi. Bankrupt Entity's asbestos-containing materials or products to which you were exposed;
- vii. Other companies using Bankrupt Entity's asbestos-containing materials or products at the jobsite; and

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viii. Whether you received any warnings with respect to the use of said product and the nature of those warnings.

(b) If you were exposed to, used, ingested or inhaled any Bankrupt Entity's Asbestos-Containing Products at any time other than in the scope of your employment, state for each such exposure:

- i. the date, location and circumstances; and
- ii. the type of product and the name of the manufacturer, distributor, and miner.

**ANSWER:** Plaintiff has not filed any bankruptcy claims at this time.

20. If you were exposed to, used, ingested or inhaled asbestos or Asbestos-Containing Products at any time other than in the scope of your employment, state for each such exposure:

- (a) the date, location and circumstances; and
- (b) the type of product and the name of the manufacturer, distributor, and miner.

**ANSWER:** No.

21. Have you ever been a member of any labor union? If so, state:

- (a) the name and address of each local, national and international labor union;
- (b) the inclusive dates of your membership; and
- (c) any positions you have held with each such labor union, and the dates during which you held such positions.

**ANSWER:** (a-c) No.

22. State whether you have ever seen or received any information, instruction, direction, warning, or directive, from any source whatsoever, concerning alleged dangers of exposure to asbestos or Asbestos-Containing Products, and if so, identify:

- (a) each such warning, directive, notification, direction, instruction, or information;
- (b) the means by which such was given to you;
- (c) the source and the date on which it was received by you; and
- (d) your response or reaction, including any complaints made or changes in work habits.

**ANSWER:** Plaintiff never received any such warnings or directives.

23. State whether you had available for use during any period of your employment, respirators or masks or other dust inhalation inhibitor, or protective gear and, if so, state the following:

- (a) the period of time during which said items were available;
- (b) what instructions were given with regard to the use of each of said items;
- (c) whether you used said items and the dates of your use;
- (d) whether you ever requested said items, and, if so, when, where and to whom the request was made, and the response to the request.

**ANSWER:** Plaintiff does not recall safety equipment being available.

24. If you are making a claim for loss of earnings or impairment of earning power because of your medical conditions, state the following:

- (a) date of commencement of any loss or impairment;
- (b) the name and address of your employer, your job title and your monthly or weekly rate of pay at the time of the alleged commencement of any loss or impairment;
- (c) if you had more than one employer during the three year period prior to the date of the commencement of any loss or impairment, as indicated on Chart A, provide your monthly or weekly rate of pay and inclusive dates of such employment during the three year period;
- (d) your total earnings for the period of three years prior to the commencement of any loss or impairment;
- (e) the inclusive dates during which you allege that you were unable to work as a result of any loss or impairment and the total amount of pay you claim you lost because of this absence;
- (f) the date on which any loss or impairment ended; and
- (g) your monthly or weekly rate of pay which you have received, from the date of any loss or impairment ended through the present time.

**ANSWER:** Not applicable.

25. Do you claim damages for loss of consortium, society, affection, services, or sexual enjoyment? If so, please set forth in complete detail all facts on which this claim is based, including a complete description of the loss suffered.

**ANSWER:** Plaintiff Dorothy Wolf claims loss of consortium, society, affection, services, and sexual enjoyment. Plaintiffs are in the process of collecting relevant information and will forward such information to the defendants.

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26. For each person who is or was partially or totally dependent upon you for financial support and assistance during the last ten years, state:

- (a) the name, address, sex, age and relationship; and
- (b) the amounts you contributed during the last ten years for support and assistance.

**ANSWER:**

(a) -(b) Plaintiff has provided total financial support to his wife, during the entire marriage.

27. State, in the form of an itemized list, all special damages alleged in this lawsuit including, but not limited to, hospital charges, medical charges, medicines, lost wages, etc., naming the person or organization to whom each item of expense was paid or is due, and, if paid, by whom each item of expense was paid.

**ANSWER:** Plaintiff is presently coordinating this information, which will be forwarded upon receipt.

28. Identify and give the substance of all written statements, recordings, or videotapes which relate to the facts of this lawsuit and the damages you claim given by plaintiff or any witness (provided such information is in plaintiff's possession, custody or control and/or such statements, recordings or videotapes are not protected by the attorney-client privilege) in the above-captioned matter.

**ANSWER:** Plaintiff is not currently in possession of any such materials.

29. Have you ever made any claim for, or received any, health or accident insurance benefits, social security benefits, state or federal benefits for disabilities, workers' compensation benefits, veterans' benefits, tort claims or suits, Federal Employers Liability Act claims or suits, Longshoremen and Harbor Workers Act claims or suits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to disability or your medical condition? If so, state the following:

- (a) the date and place where each such claim was made;
- (b) the name and nature of the entity with which the claim was made;
- (c) any identifying number, such as a docket or petition number, for each claim;
- (d) the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
- (e) the nature of the claim;
- (f) whether you were examined by a physician and if so, the name and address of that physician;
- (g) the result of such claim, including the amount realized by way of settlement, judgment or award upon the claim;
- (h) the name and address of any attorney who represented you with regard to such claims; and
- (i) whether you are presently receiving such benefits.

**ANSWER:** Not applicable.

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30. State the following with regard to your asbestos-related legal action:
- Did you file an asbestos-related claim in more than one (1) jurisdiction;
  - Identify all of the jurisdiction(s) where an asbestos-related claim has been filed (whether or not these claims have been dismissed or discontinued or otherwise resolved) on your behalf;
  - Did you file your asbestos-related claim(s) under more than one (1) Index Number; and
  - Provide all of the Index Numbers for all of your asbestos-related claim(s), including all multiple Index Numbers for claims filed in New York County.

**ANSWER:** No.

31. State whether or not you have made, filed, or submitted a Claim Against Bankrupt Entity or received funds in settlement from a Bankrupt Entity. If so, for each claim state the following:
- the date and place where each such claim was made;
  - the name and nature of the entity with which the claim was made;
  - any identifying number, such as a docket or petition number, for each claim;
  - the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
  - the nature of the claim;
  - whether you were examined by a physician and if so, the name and address of that physician; and
  - whether you received any compensation as a result of such claim, but not the amount.

**ANSWER:** Plaintiff has not made any such claims at this time.

32. State whether you have applied to any Bankrupt Entity or Bankruptcy Court to lift the stay as to your claim or otherwise have attempted to join a Bankrupt Entity to this action.

**ANSWER:** No.

33. Have you or your spouse ever been a party to or a witness in any lawsuit, court or administrative proceeding? If so, please state:
- whether you or your spouse were a party or witness and if party, whether plaintiff or defendant;
  - the precise name of the lawsuit or proceeding, the court agency in which it was brought and the docket number;
  - the nature of the charges or claims and, if you or your spouse were a witness, the subject matter of the testimony; and
  - the disposition of the case.

**ANSWER:** On occasion, plaintiff has testified for General Electric in several commercial disputes.

34. Have you or your spouse filed a claim seeking compensation for any alleged asbestos-related condition from any entity, including settlement trusts? Specify "Yes" or "No" only.

**ANSWER:** No.

35 Identify all entities, whether or not parties to this lawsuit, with whom you have settled or agreed to settle this lawsuit.

**ANSWER:** Plaintiff has not yet resolved his case with any entities.

36. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

**ANSWER:** No one.

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**REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Section VIII (B)(2)(b) of the C.M.O., the defendants request that plaintiffs produce for inspection and copying, the documents and things identified below. The documents and things identified herein shall be produced for inspection and copying at such time as the answers to the interrogatories herein are filed. The following requests include, but are not limited to, documents that relate to Bankrupt Entities.

You are hereby requested to produce the following documents and things:

1. All documents identified in your answers to these interrogatories.

**ANSWER:** Plaintiff relied on various medical records, authorizations for which have been provided to Record Trak. In addition, see responses to request numbers "2" and "6" below.

2. All documents relating to the plaintiff's job qualifications and professional licenses held.

**ANSWER:** Plaintiff is not in possession of any such documents. Authorizations for employment records have been forwarded to RecordTrak.

3. All documents relating to the plaintiff's membership in any labor trade association or professional organization.

**ANSWER:** Authorizations will be provided to RecordTrak.

4. All documents relating to the plaintiff's military or foreign service, including and not limited to, personnel records, discharge papers, military occupational specialty qualifications, promotions, reductions or disciplinary actions.

**ANSWER:** Authorizations will be forwarded to RecordTrak.

5. All documents relating to any claim or demand ever made by the plaintiff or the plaintiff's decedent for damages, compensation or other benefits allegedly resulting from any illness or injury, including but not limited to, Claims Against Bankrupt Entities, Industrial Accident Board records, social security disability claim records, federal or state employment compensation claim records, social disability records, pension claim record or any other health or accident insurance claim records.

**ANSWER:** Not applicable.

6. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's exposure or possible exposure to asbestos, Asbestos-Containing Products and/or Asbestos-Containing Materials.

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**ANSWER:** Any documents Plaintiffs intend to use will be identified in accordance with the Case Management Order.

7. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's or the plaintiff's decedent's exposure or possible exposure to silica, acids, beryllium, nuclear radiation, ammonia, cadmium, chlorine, chromate, phosgene, grinding dust, coal dust, cotton dust, nickel, welding smoke or fumes.

**ANSWER:** Plaintiff is unaware of any such exposures but nonetheless is not in possession of any such documents.

8. All documents, of which you have ever become aware, relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, Asbestos-Containing Products, and/or Asbestos-Containing Materials.

**ANSWER:** Plaintiff is not in possession of any such documents.

9. All applications prepared or submitted by or on behalf of the plaintiff's for life insurance, medical insurance, health and accident insurance, and/or disability insurance.

**ANSWER:** Plaintiff is not in possession of any such documents.

10. All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of, plaintiff relating in any way to exposure or alleged exposure to asbestos, Asbestos-Containing Products and/or Asbestos-Containing Materials or any other issues relating to this lawsuit except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established, and attorney work product, need not be produced or identified.

**ANSWER:** Plaintiff's Exhibit List and List of Deposition Testimony will identify all photographs, films, movies or video recordings that Plaintiff intends to use at trial pursuant to applicable sections of the New York C.P.L.R.

11. All records in plaintiff's possession, custody or control relating to comments, complaints, suggestions, or proposals made to your employer or your union, by yourself or by other employees or union members regarding asbestos exposure.

**ANSWER:** Plaintiff is not in possession of any such records.

12. All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of this lawsuit, except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication

between plaintiff and counsel made after an attorney-client relationship has been established and attorney work product need not be produced or identified.

**ANSWER:** Plaintiff's Exhibit List and List of Deposition Testimony will identify all photographs, films, movies or video recordings that Plaintiff intends to use at trial pursuant to applicable sections of the New York C.P.L.R.

13. All photographs of the plaintiff or the plaintiff's decedent at work or in work clothes and all photographs of all products or conditions complained of in the plaintiff's or the plaintiff's decedent's place of employment.

**ANSWER:** Plaintiff is not presently in possession of any such photographs.

14. Copies of all itemized bills covering all the special damages and losses and expenses claimed in this matter.

**ANSWER:** To be provided, if located.

15. Copies of all reports, correspondence and records from any doctor who has examined the decedent, any hospital where the decedent has been treated either as an inpatient or as an outpatient, except for any reports, records, correspondence, or communications issued by any consulting physicians who have been retained or specially employed in anticipation of litigation or preparation for trial and who are not expected to be called as a witness at trial.

**ANSWER:** Appropriate medical authorizations will be provided to RecordTrak.

16. All tissue specimens, tissue slides, and x-ray films and CT scans pertaining to the plaintiff.

**ANSWER:** Authorizations will be provided to RecordTrak.

17. Copies of plaintiff's income tax returns for the last ten years of plaintiff's employment and up to the current year as well as any other documents, including economic loss reports, upon which plaintiff relies in support of his claims. If loss of earnings or earning capacity is alleged or claimed to have occurred before the current year, include copies of the income tax returns of the plaintiff from ten years prior to the claimed loss and up to the current tax year.

**ANSWER:** Not applicable - Plaintiff retired in 1996. Authorization will not be provided.

18. Any asbestos and/or Asbestos-Containing Products or product packaging of the type to which the plaintiff alleges exposure and which the plaintiff has in his possession, custody or control.

**ANSWER:** Plaintiff is not in possession of any such materials.

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19. All photographs, charts, drawing, diagrams or other graphic representations depicting work conditions at work sites where the plaintiff claims the plaintiff was exposed to asbestos or Asbestos-Containing Products.

**ANSWER:** Plaintiff is not in possession of any such materials.

20. All invoices, bills, statements and any other writings or records which the plaintiff contends evidence the sale of any Asbestos-Containing Products to the place of the plaintiff's or plaintiff's decedent's employment at which plaintiff claims that plaintiff or plaintiff's decedent was exposed to asbestos. This does not include documents in the possession, custody or control of plaintiff's attorney unless such documents were provided by plaintiff to his/her attorney and are not privileged.

**ANSWER:** See response to item no. "6"

21. Any written advice, publication, warning, order, directive, requirement, or recommendation, which advised or warned of the possible harmful effects of exposure to or inhalation of asbestos or Asbestos-Containing Products in the products in the possession, custody or control of the plaintiff.

**ANSWER:** Plaintiff is not in possession of any such materials.

22. Any accident or incident reports which relate to the facts, circumstances or incidents which form the basis of plaintiff's complaint.

**ANSWER:** Plaintiff is not in possession of any accident or incident reports.

Dated: New York, New York  
May 28, 2008

Respectfully submitted,

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By:

Chris Romanelli, Esq.

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**EXHIBIT A**

Bankrupt Entity includes, without limitation: UNR Industries, Inc., Johns-Manville Co., Amatex Corp., Waterman Steamship Corp., Wallace & Gale Co., Forty-Eight Insulations, Inc., PACOR, Prudential Lines, Inc., Standard Insulations, Inc., US Lines, Nicolet, Inc., Gatke Corp., Chemetron Corp., Raytech, Delaware Insulations, Celotex Corp., Hillsborough Holdings, National Gypsum Co., Standard Asbestos Mfg. & Insul., Eagle-Picher, H.K. Porter Co., Cassiar Mines, Keene Corp., American Shipbuilding, Inc., Lykes Brothers Steamship, Rock Wool Mfg., SGL Carbon, M.H. Detrick, Brunswick Fabricators, Fuller-Austin Insul., Harnischfeger Corp., Joy Technologies, Rutland Fire & Clay, Babcock & Wilcox, Pittsburgh Corning, Burns & Roe Enterprises, E.J. Bartells, Owens Corning, Armstrong World Industries, G-1 Holdings (GAF Corp.), W.R. Grace, Skinner Engine Co., USG (US Gypsum) Corp., Federal Mogul, Eastco Industrial Safety Corp., Washington Group Int'l, Inc., Bethlehem Steel, North American Refractories, Kaiser Aluminum, Plibrico Refractories, Porter-Hayden, American Club, Huxley Development Corp., Harbison-Walker Refractories Co., Continental Producers Corp., A.P. Green Indus., Shook & Fletcher, Atra Group, Inc. (Synkolid), and ACandS, Inc; C.E. Thurston.

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Deborah Weit

**CHART A**  
**JOBSITE-SPECIFIC EXPOSURE HISTORY**

Name of Employee	Dates of Employment	Asbestos -related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Other Workers on Jobsite, including supervisor	ACM identified by Such Other Workers	Other Companies Using ACM at Job Sites
United States Navy,	1943-1946	LCT(G)-455	1943-1946	Diesel engineer	Plaintiff worked with and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, engines, steam lines and other like equipment.	Plaintiff worked with and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, engines, steam lines and other like equipment.	To be provided.	To be provided.	

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Name of Employee	Dates of Employment	Asbestos-related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Workers on Jobsite, including supervisor	Other Workers	ACM Companies Using ACM at Job Sites	Other
Martin Gatzke Engineering, Jamaica, NY	1946-1948	Numerous commercial and residential sites throughout the City of New York.	1946-1948	Boilermaker/pipfitter/plumber	Plaintiff was exposed to asbestos-containing block, pipe covering, gaskets, packing, cement and cloth while installing new boilers and heating systems.  Plaintiff cannot presently identify all of the manufacturers of such products but states that he would have been exposed to, would have handled and/or worked with all such materials manufactured during the period he was employed. Plaintiff will further rely upon the testimony of coworkers and other evidence demonstrating the presence of various manufacturers' products.	Plaintiff worked with and around and assisted others who worked with asbestos gaskets, packing and insulation used in connection machinery and equipment such as boilers, turbines, pumps, valves, blowers, tanks, chillers, heaters, evaporators, air conditioners, engines, steam lines and other like equipment in the ship's engine spaces.	To be provided.	To be provided.	To be provided.	

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Name of Employee	Dates of Employment	Asbestos-related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM* Used Personally	Other ACM to Which You Were Exposed**	Other Workers on Jobsite, including supervisor	ACM identified by Such Other Workers	Other Companies Using ACM at Job Sites
Pan American Airlines	1948-1950	Jamaica, NY	1948-1950	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.
Ideal Incorporated	1950-1954	Brooklyn, NY	1950-1954	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.
General Electric Company	1954-1985	Pittsfield, MA	1954-1985	Systems analyst	No known asbestos exposure.	No known asbestos exposure.	To be provided.	To be provided.	To be provided.

\*\* Identify brand and manufacturer names, if known.

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**EXHIBIT C**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

X Index No.: 107498-08

Date Filed:

Plaintiff(s),

-against-

Plaintiff Designates  
**NEW YORK**  
County as the Place of TrialA.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT CORPORATION,  
J.H. FRANCE REFRACTORIES COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,  
LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,The Basis of Venue is  
Defendants' Place of Business**SUPPLEMENTAL  
SUMMONS****FILED**

JUN 04 2008

NEW YORK  
COUNTY CLERK'S OFFICE

PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,  
RAPID-AMERICAN CORPORATION,  
REYNOLDS METALS COMPANY,  
Individually and as successor in interest to ATLANTIC  
ASBESTOS CORP.,  
THE FAIRBANKS COMPANY,  
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
U.S. RUBBER COMPANY (UNIROYAL),  
WARREN PUMPS, INC.,  
WEIL-MCLAIN,  
a division of THE MARLEY COMPANY,  
**BRYANT HEATING & COOLING SYSTEMS,**  
**NATIONAL BOILER WORKS, INC.,**  
**YORK INDUSTRIES CORP.,**

Defendants

-----X

To the above named Defendant(s)

**You are hereby summoned** to answer the **amended verified** complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, June 03, 2008  
New York, New York

Defendant's address:

**SEE ATTACHED DEFENDANTS RIDER**

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**INGERSOLL-RAND COMPANY**

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Attorneys for Defendant:

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TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.**

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Attorneys for Defendant:

**KEELER-DORR-OLIVER BOILER COMPANY**

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Attorneys for Defendant:

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Attorneys for Defendant:

**OAKFABCO, INC.**

Paul Scrudato Esq  
SCHIFF HARDIN & WAITE  
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Attorneys for Defendant:

**OWENS-ILLINOIS, INC.**

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.

180 MAIDEN LANE  
NEW YORK, N.Y. 10038

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(914) 345-3701  
fax:(914) 345-3701  
Attorneys for Defendant:

**PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI**

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Attorneys for Defendant:

**RAPID-AMERICAN CORPORATION**

Robert Rolfe Esq.  
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Richmond, VA 23219

Attorneys for Defendant:

**REYNOLDS METALS COMPANY,  
Individually and as successor in interest to ATLANTIC ASBESTOS CORP.**

Lawrence McGivney Esq.  
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(212) 233-1550  
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Attorneys for Defendant:

**THE FAIRBANKS COMPANY**

Norman Senoir Esq.  
GREENFIELD, STEIN & SENOIR  
600 Third Avenue, 11th Floor  
New York, NY 10016

Attorneys for Defendant:

**U.S. RUBBER COMPANY (UNIROYAL)**

**BRYANT HEATING & COOLING SYSTEMS**  
CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**NATIONAL BOILER WORKS, INC.**  
4556 Industrial Parkway  
Cleveland, OH 44135

**YORK INDUSTRIES CORP.**  
c/o John Ronca, Jr., Esq.  
RONCA, MCDONALD & HANLEY  
5 Regent Street, Suite 517  
Livingston, NJ 07039

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK

X Index No: 107498-08

DONALD WOLF and DOROTHY WOLF,

Date Filed:

Plaintiff(s),

-against-

A.O. SMITH WATER PRODUCTS CO.,  
 A.W. CHESTERTON COMPANY,  
 ANCHOR PACKING COMPANY,  
 AQUA-CHEM, INC.,  
 BMCE INC.,  
 f/k/a UNITED CENTRIFUGAL PUMP,  
 BUFFALO PUMPS, INC.,  
 BURNHAM, LLC,  
 Individually, and as successor to  
 BURNHAM CORPORATION,  
 BW/IP INTERNATIONAL, INC.,  
 f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
 successor to BYRON JACKSON PUMPS,  
 CARRIER CORPORATION,  
 Individually, and as successor in interest to  
 BRYANT HEATING & COOLING SYSTEMS,  
 CBS CORPORATION, a Delaware Corporation,  
 f/k/a VIACOM INC. successor by merger to CBS  
 CORPORATION, a Pennsylvania Corporation,  
 f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
 CERTAIN TEED CORPORATION,  
 CLEAVER BROOKS COMPANY, INC.,  
 CRANE CO.,  
 CRANE PUMPS,  
 EMPIRE-ACE INSULATION MFG. CORP.,  
 GARLOCK SEALING TECHNOLOGIES LLC,  
 f/k/a GARLOCK INC.,  
 GENERAL MOTORS CORPORATION,  
 GOULDS PUMPS, INC.,  
 H.B. FULLER COMPANY,  
 IMO INDUSTRIES, INC.,  
 INGERSOLL-RAND COMPANY,  
 ITT CORPORATION,  
 J.H. FRANCE REFRACTORIES COMPANY,  
 KEELER-DORR-OLIVER BOILER COMPANY,  
 KOHLER CO.,  
 LESLIE CONTROLS, INC.,  
 OAKFABCO, INC.,  
 OWENS-ILLINOIS, INC.,  
 PEERLESS INDUSTRIES, INC.,  
 PREMIER REFRACTORIES, INC.,  
 f/k/a ADIENCE, INC., f/k/a BMI,  
 RAPID-AMERICAN CORPORATION,

**AMENDED  
 VERIFIED  
 COMPLAINT**

REYNOLDS METALS COMPANY,  
 Individually and as successor in interest to ATLANTIC  
 ASBESTOS CORP.,  
 THE FAIRBANKS COMPANY,  
 TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
 U.S. RUBBER COMPANY (UNIROYAL),  
 WARREN PUMPS, INC.,  
 WEIL-MCLAIN,  
 a division of THE MARLEY COMPANY,  
**BRYANT HEATING & COOLING SYSTEMS,**  
**NATIONAL BOILER WORKS, INC.,**  
**YORK INDUSTRIES CORP.,**

Defendants

X

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys, WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys, WEITZ & LUXENBERG, P.C., for their **amended verified complaint** respectfully alleges:
2. Defendant AQUA-CHEM, INC., was and still is a duly organized domestic corporation doing business in the State of New York.
3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.
4. **Defendant BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.**
5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

6. Defendant BUFFALO PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

8. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

9. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

10. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

12. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

14. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

15. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

16. Defendant ITT CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

17. Defendant LESLIE CONTROLS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

18. Defendant LESLIE CONTROLS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

19. **Defendant NATIONAL BOILER WORKS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.**

20. **Defendant NATIONAL BOILER WORKS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.**

21. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

22. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

23. Defendant WARREN PUMPS, INC., was and still is a duly organized  
domestic corporation doing business in the State of New York.

24. Defendant WARREN PUMPS, INC., was and still is a duly organized  
foreign corporation doing business and/or transacting business in the State of New York and/or  
should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL -  
WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL  
INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the  
aforementioned caption.

Dated: June 03, 2008  
New York, New York

Yours, etc.,  
WEITZ & LUXENBERG, P.C

Attorneys for Plaintiff(s)  
180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

X Index No.: 08107488

DONALD WOLF and DOROTHY WOLF,

Date Filed:

Plaintiff(s),  
-against-

Plaintiff Designates  
**NEW YORK**  
County as the Place of Trial

A.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,

The Basis of Venue is  
Defendants' Place of Business

f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,

**SUMMONS**

Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,

Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,

f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,

CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,

CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,

f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,

H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,

ITT CORPORATION,  
J.H. FRANCE REFRactories COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,

LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,

**FILED**

MAY 29 2008

COUNTY CLERKS OFFICE  
**NEW YORK**

RAPID-AMERICAN CORPORATION,  
REYNOLDS METALS COMPANY,

Individually and as successor in interest to ATLANTIC  
ASBESTOS CORP.,  
THE FAIRBANKS COMPANY,  
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
U.S. RUBBER COMPANY (UNIROYAL),  
WARREN PUMPS, INC.,  
WEIL-MCLAIN,  
a division of THE MARLEY COMPANY,

Defendants.

-----X

To the above named Defendant(s)

**You are hereby summoned to answer the verified complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.**

Dated, May 29, 2008  
New York, New York

Defendant's address:

**SEE ATTACHED DEFENDANTS RIDER**

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Attorney(s) for Plaintiff  
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(212) 558-5500

**DEFENDANTS' RIDER**

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Milwaukee, WI 11270

**A.W. CHESTERTON COMPANY**

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225 Fallon Road  
Stoneham, MA 02180

**ANCHOR PACKING COMPANY**

CT Corporation System  
100 Pine Street,  
Suite 325  
Harrisburg, PA 17101

**AQUA-CHEM, INC.**

7800 North 113th Street  
Milwaukee, WI 53224

**BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP**

Weiner Lesniak LLP  
Anna M. DiLonardo  
888 Veterans Memorial Highway  
Hauppauge, NY 11788

**BUFFALO PUMPS, INC.**

874 OLIVER STREET  
N. TONAWANDA, NY 14120

**BURNHAM, LLC,**

**Individually, and as successor to  
BURNHAM CORPORATION**

1239 Harrisburg Pike  
Lancaster, PA 17603

**BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS**

200 South Michigan Avenue  
Chicago, IL 60604

**CARRIER CORPORATION,**

**Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS**

CT Corporation System  
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33 South Sixth Street  
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Lawrenceville, NJ 08648

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CT Corporation Systems  
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**ITT CORPORATION**

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New York, NY 10011

**J.H. FRANCE REFRactories COMPANY**

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Suite 1  
Mount Vernon, OH 43050-1931

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**KOHLER CO.**

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40 Patterson Street  
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**LESLIE CONTROLS, INC.**

12501 Telecom Drive  
Tampa, FL 33637

**OAKFABCO, INC.**

705 McKnight Park Drive  
Pittsburgh, PA

**OWENS-ILLINOIS, INC.**

One Michael Owens Way  
Perrysburg, OH 43551

**LESS INDUSTRIES, INC.**

of Martindell  
McGivney & Kluger, P.C.  
23 Vreeland Road, Suite 220

Florham Park, NJ 07932

**PREMIER REFRACTORIES, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI**

Special Claims Services, Inc.  
809 Coshocton Avenue, Suite 1  
Attention: Donald E. Ward, President  
Mount Vernon, OH 43050

**RAPID-AMERICAN CORPORATION**

2711 Centerville Road  
Wilmington, DE 19808

**REYNOLDS METALS COMPANY,**

**Individually and as successor in interest to ATLANTIC ASBESTOS CORP.**

Lori Elliott Guzman, Esq.  
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Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219

**THE FAIRBANKS COMPANY**

CT Corporation System (GA)  
1201 Peachtree Street NE  
Atlanta , GA 30361

**TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.**

Michele Corcoran, New Filings Manager  
c/o PACE  
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Lawrenceville, NJ 08648

**U.S. RUBBER COMPANY (UNIROYAL)**

c/o Frank Degrим, Esq.  
GREENFIELD, STEIN & SENOIR  
600 Third Avenue, 11th Floor  
New York, NY 10016-1903

**WARREN PUMPS, INC.**

82 Bridges Avenue  
Warren, MA 01083

**WEIL-MCLAIN,  
a division of THE MARLEY COMPANY**

500 Blaine Street  
Michigan City, IN 46360

**CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Asbestos Litigation Support Manager  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
Case Management & Technology Center  
USX Towers  
600 Grant Street  
Pittsburgh, PA 15219

**CERTAIN TEED CORPORATION**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**CLEAVER BROOKS COMPANY, INC.**

11950 West Park Place  
Milwaukee, WI 11270

**CRANE CO.**

100 First Stamford Place  
Stamford, CT 06902

**CRANE PUMPS**

CT Corporation System  
1300 East Ninth Street  
Cleveland , OH 44114

**EMPIRE-ACE INSULATION MFG. CORP.**

c/o THE SECRETARY OF STATE  
41 State Street  
Albany, NY 12207

**GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**GENERAL MOTORS CORPORATION**

CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**GOULDS PUMPS, INC.**

240 Fall Street  
Seneca Falls, NY 13148

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF,

-X Index No.:

Date Filed:

Plaintiff(s),

-against-

**VERIFIED  
COMPLAINT**

A.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,  
Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,  
Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,  
CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,  
H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT CORPORATION,  
J.H. FRANCE REFRACTORIES COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,  
LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRACTORIES, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,  
RAPID-AMERICAN CORPORATION,

OLDS METALS COMPANY,  
 individually and as successor in interest to ATLANTIC  
 ASBESTOS CORP.,  
 THE FAIRBANKS COMPANY,  
 TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
 U.S. RUBBER COMPANY (UNIROYAL),  
 WARREN PUMPS, INC.,  
 WEIL-MCLAIN,  
 a division of THE MARLEY COMPANY,

Defendants.

----- X

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned alleges as follows:

1. Plaintiff(s), DONALD WOLF and DOROTHY WOLF, by their attorneys, WEITZ & LUXENBERG, P.C., for their **verified complaint** respectfully alleges:

2. Defendant AQUA-CHEM, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

4. Defendant BUFFALO PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

5. Defendant BUFFALO PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

6. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

7. Defendant BW/IP INTERNATIONAL, INC., f/k/a BORG WARNER

INDUSTRIAL PRODUCTS successor to BYRON JACKSON PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

8. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized domestic corporation doing business in the State of New York.

9. Defendant CARRIER CORPORATION, Individually, and as successor in interest to BRYANT HEATING & COOLING SYSTEMS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

10. Defendant CRANE PUMPS, was and still is a duly organized domestic corporation doing business in the State of New York.

11. Defendant CRANE PUMPS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

12. Defendant IMO INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

13. Defendant IMO INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

14. Defendant ITT CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

15. Defendant ITT CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

16. Defendant LESLIE CONTROLS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

17. Defendant LESLIE CONTROLS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

18. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

19. Defendant THE FAIRBANKS COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

20. Defendant WARREN PUMPS, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

21. Defendant WARREN PUMPS, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), DONALD WOLF and DOROTHY WOLF, repeats and realleges NYAL - WEITZ & LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No. 7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

May 29, 2008  
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C.

Attorneys for Plaintiff(s)  
180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

**COUNTY CLERK, NEW YORK COUNTY**

Application for INDEX NUMBER pursuant to Section 8018,  
C.P.L.R.

**FEE \$210.00****INDEX NUMBER**

Do not write in this space

Space below to be TYPED or PRINTED by applicant

**TITLE OF ACTION OR PROCEEDING**

DONALD WOLF and DOROTHY WOLF

Plaintiff(s)

vs

A.O. SMITH WATER PRODUCTS CO. et al.

Defendant(s)

**CHECK ONE**

<input type="checkbox"/>	COMMERCIAL ACTION	<input checked="" type="checkbox"/>	NOT COMMERCIAL ACTION
<input type="checkbox"/>	CONSUMER CREDIT TRANSACTION	<input checked="" type="checkbox"/>	NOT CONSUMER CREDIT TRANSACTION
<input type="checkbox"/>	THIRD PARTY ACTION	<input checked="" type="checkbox"/>	NOT THIRD PARTY ACTION

**IF THIRD PARTY ACTION  
MAIN INDEX NO.**

SEE ATTACHED FULL CAPTION RIDER

**Name and address of  
Attorney for Plaintiff  
or Petitioner.**

Weitz & Luxenberg, PC  
180 Maiden Lane  
New York, NY 10038  
212-559-5500

**Telephone No.**

**Name and address of  
Attorney for Defendant  
or Respondent.**

08107498

**Telephone No.**

**A. Nature and object of action or  
Nature of special proceeding**

Personal Injury - asbestos exposure

**B. Application for Index Number filed by:** Plaintiff  Defendant

**C. Was a previous Third Party Action filed** Yes  No   
**Date filed**

EXCELSIOR  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

OAKWOOD, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,  
RAPID-AMERICAN CORPORATION,

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

X

DONALD WOLF and DOROTHY WOLF,

Plaintiff(s),

**FULL CAPTION**  
**RIDER**

-against-

A.O. SMITH WATER PRODUCTS CO.,  
A.W. CHESTERTON COMPANY,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BMCE INC.,  
f/k/a UNITED CENTRIFUGAL PUMP,  
BUFFALO PUMPS, INC.,  
BURNHAM, LLC,  
Individually, and as successor to  
BURNHAM CORPORATION,  
BW/IP INTERNATIONAL, INC.,  
f/k/a BORG WARNER INDUSTRIAL PRODUCTS  
successor to BYRON JACKSON PUMPS,  
CARRIER CORPORATION,  
Individually, and as successor in interest to  
BRYANT HEATING & COOLING SYSTEMS,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CLEAVER BROOKS COMPANY, INC.,  
CRANE CO.,  
CRANE PUMPS,  
EMPIRE-ACE INSULATION MFG. CORP.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.,  
GENERAL MOTORS CORPORATION,  
GOULDS PUMPS, INC.,  
H.B. FULLER COMPANY,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT CORPORATION,  
J.H. FRANCE REFRactories COMPANY,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KOHLER CO.,  
LESLIE CONTROLS, INC.,  
OAKFABCO, INC.,  
OWENS-ILLINOIS, INC.,  
PEERLESS INDUSTRIES, INC.,  
PREMIER REFRactories, INC.,  
f/k/a ADIENCE, INC., f/k/a BMI,  
RAPID-AMERICAN CORPORATION,

REYNOLDS METALS COMPANY,  
Individually and as successor in interest to ATLANTIC  
ASBESTOS CORP.,  
THE FAIRBANKS COMPANY,  
TRANE U.S. INC., f/k/a AMERICAN STANDARD INC.,  
U.S. RUBBER COMPANY (UNIROYAL),  
WARREN PUMPS, INC.,  
WEIL-MCLAIN,  
a division of THE MARLEY COMPANY,

Defendants.

-X

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

<b>IN RE:</b> <b>NEW YORK CITY</b> <b>ASBESTOS LITIGATION</b>	<b>x</b> <b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>x</b> <b>INDEX NO. 08-107498</b>
<hr/>	
<b>THIS DOCUMENT RELATES TO:</b>	<b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>ACKNOWLEDGMENT</b> <b><u>OF RECEIPT</u></b>
<hr/>	
<b>DONALD WOLF and DOROTHY WOLF,</b>	<b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>:</b>
<hr/>	
<b>Plaintiffs</b>	<b>:</b> <b>:</b>

Defendant Reynolds Metals Company ("Reynolds") (Reynolds is misidentified as "successor in interest to Atlantic Asbestos Corporation" in the Complaint), hereby acknowledges receipt of the Summons and Complaint of Plaintiff(s) in this action.

Defendant Reynolds hereby answers the Complaint in this action by reference to its Standard Answer filed pursuant to the governing NYCAL Case Management Order and raises against Plaintiff(s) each affirmative defense contained in its Standard Answer.

Defendant Reynolds hereby raises the cross-claim contained in its Standard Answer.

Dated: New York, New York  
June 13, 2008

HUNTON & WILLIAMS LLP

By: J. Michael Showalter

J. Michael Showalter

Paulo R. Lima

Attorney for Reynolds Metals Company  
200 Park Avenue, 52<sup>nd</sup> Floor  
New York, New York 10166  
(212) 309-1000

**FILED**

JUN 17 2008

COUNTY CLERKS OFFICE  
NEW YORK

David Craig Landin  
Lori Elliott Jarvis  
Attorneys for Reynolds Metals Company  
951 East Byrd Street  
Richmond, Virginia 23219  
(804) 788-8200

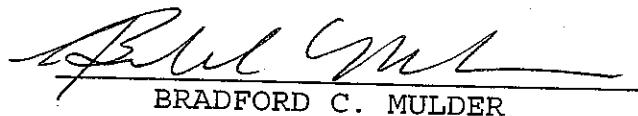
ATTORNEY'S AFFIRMATION OF SERVICE

STATE OF NEW YORK )  
                      )  
                      ) ss.:  
COUNTY OF NEW YORK )

BRADFORD C. MULDER, an attorney admitted to practice in the Courts of the State of New York, affirms under penalty of perjury:

That on June 6, 2008, I served a true copy of the attached Acknowledgment of Receipt of a Summons and Complaint upon plaintiff's counsel on the attached service list, via First Class Mail, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York and notified all defendants' counsel of this filing at the addresses listed on the attached service list via facsimile.

Dated:     New York, New York  
              June 6, 2008

  
\_\_\_\_\_  
BRADFORD C. MULDER

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

IN RE: NEW YORK CITY ASBESTOS LITIGATION :

THIS DOCUMENT RELATES TO: :

Donald Wolf and Dorothy Wolf, :

Index No.: 08-107498

(Hon. Helen Freedman)

Plaintiff(s) :

-against- :

Keeler/Dorr-Oliver Boiler Company, *et al.*, :

**ACKNOWLEDGEMENT  
OF SERVICE & ANSWER  
TO THE AMENDED  
VERIFIED COMPLAINT**

Defendants. :

Defendant KEELER/DORR-OLIVER BOILER COMPANY by its attorneys MARIN GOODMAN, LLP, hereby acknowledges receipt of the Supplemental Summons and Amended Verified Complaint in this action.

KEELER/DORR-OLIVER BOILER COMPANY hereby answers the Complaint in this action by reference to its latest Standard Answer(s) to Plaintiff's Standard Asbestos Complaint for Personal Injury/Wrongful Death filed pursuant to NYCAL Amended Case Management Order, dated September 20, 1996, and asserts each of the answers, affirmative defenses and cross claims contained in its latest Standard Answer(s).

Dated: June 17, 2008  
New York, New York

Respectfully submitted,  
**MARIN GOODMAN LLP**

By: Richard P. Marin  
Attorney for Defendant,  
Keeler/Dorr-Oliver Boiler Company  
40 Wall Street, 57<sup>th</sup> Floor  
New York, NY 10005  
(212) 661-1151

**FILED**  
JUN 17 2008  
NEW YORK  
COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DONALD WOLF and DOROTHY WOLF

X  
Index No.: 107498-08

Plaintiff(s),

AFFIDAVIT OF SERVICE  
BY MAIL

-against-

A.O. SMITH WATER PRODUCTS CO., et. al.,

Defendant(s).

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

Clem Nicholas, being duly sworn, says:

That I am not a party to this action, am over eighteen ( 18 ) years of age, and reside in the State of New York.

That on the 5th day of June, 2008, I served a true copy of the Supplemental Summons and amended Complaint, on the attorneys for the defendants set forth in the attached rider, by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office department within the State of New York, directed to said attorney.

*FILED*  
JUN - 6 2008  
NEW YORK  
COUNTY CLERK'S OFFICE

Clem Nicholas  
Clem Nicholas

Sworn to before me this  
5th day of June, 2008

Marie VanBuren  
Notary Public

MARIE VANBUREN  
Notary Public, State of New York  
No. 01VA6071252  
Qualified in New York County  
Commission Expires March 11, 2010